

EXHIBIT B:

PROPOSED FIRST

AMENDED

COMPLAINT

(REDLINED

VERSION)

LAW OFFICES OF DALE K. GALIPO

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NELSON VASQUEZ, individually and
as successor-in-interest to Decedent,
Oscar Vasquez Lopez; DAYLIN
VASQUEZ, individually and as
successor-in-interest to Decedent, Oscar
Vasquez Lopez; LUSSY VASQUEZ,
individually and as successor-in-interest
to Decedent, Oscar Vasquez Lopez;
OSCAR VASQUEZ, individually and
as successor-in-interest to Decedent,
Oscar Vasquez Lopez; K.V., by and
through her guardian ad litem, Daylin
Vasquez, individually and as successor-
in-interest to Decedent, Oscar Vasquez
Lopez; A.V., by and through his
guardian ad litem, Daylin Vasquez,
individually and as successor-in-interest
to Decedent, Oscar Vasquez Lopez; and
JOSE VASQUEZ LOPEZ, individually,

Plaintiffs,

v.

CITY OF LOS ANGELES; SEAN
STEELMON; and DOES 1-2 through
10, inclusive,

Case No. 8:24-cv-02421-FLA-JDE

**FIRST AMENDED COMPLAINT
FOR DAMAGES**

1. Fourth Amendment, Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment, Unlawful Detention and Arrest (42 U.S.C. § 1983)
3. Fourth Amendment, Denial of Medical Care (42 U.S.C. § 1983)
4. First and Fourteenth Amendments, Interference with Familial Relationship (42 U.S.C. § 1983)
5. Municipal Liability, Unconstitutional Custom or Policy (42 U.S.C. § 1983)
6. Municipal Liability, Failure to Train (42 U.S.C. § 1983)
7. Municipal Liability, Ratification (42 U.S.C. § 1983)
8. Battery
9. Negligence
10. Negligent Infliction of Emotional Distress, Bystander
11. Violation of Bane Act (Cal. Civil Code §52.1)

DEMAND FOR JURY TRIAL

Defendants.

COME NOW, Plaintiffs NELSON VASQUEZ, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; DAYLIN VASQUEZ, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; LUSSY VASQUEZ, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; OSCAR VASQUEZ, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; K.V., by and through her guardian ad litem, Daylin Vasquez, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; A.V., by and through his guardian ad litem, Daylin Vasquez, individually and as successor-in-interest to Oscar Vasquez Lopez, deceased; and JOSE VASQUEZ LOPEZ, individually (collectively, “Plaintiffs”), for their Complaint against Defendants CITY OF LOS ANGELES, SEAN STEELMON, and DOES +2 through 10, inclusive (collectively, “Defendants”), and allege as follows:

JURISDICTION AND VENUE

1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United States including 42 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments of the United States Constitution. This Court has supplemental jurisdiction over Plaintiffs’ claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because all incidents, events, and occurrences giving rise to this action occurred in this district and because, on information and belief, all Defendants reside in this district.

INTRODUCTION

3. This civil rights and state tort action seeks compensatory and punitive damages from Defendants for violating various rights under the United States

1 Constitution and state law in connection with the fatal officer-involved shooting of
2 Plaintiffs' father and brother, Oscar Vasquez Lopez, on October 7, 2023.

3 4. Plaintiffs allege that the death of Oscar Vasquez Lopez was a result of
4 Defendants SEAN STEELMON and DOE OFFICERS' excessive use of deadly
5 force, ~~Defendants'~~ failure to timely provide reasonable medical care to Oscar
6 Vasquez Lopez despite his serious medical condition after being shot, ~~Defendants'~~
7 deliberate indifference to Oscar Vasquez Lopez's Constitutional rights, and
8 ~~Defendants'~~ negligence.

9 5. The policies and customs behind shootings of civilians such as Oscar
10 Vasquez Lopez, and the failure to de-escalate the interaction and employ less-lethal
11 weapons are fundamentally unconstitutional and have violated the civil rights of
12 residents of the CITY, such as Plaintiffs and Oscar Vasquez Lopez. Accordingly,
13 Plaintiffs herein seek by means of this civil rights action to hold accountable those
14 responsible for the death of Oscar Vasquez Lopez, and to challenge the
15 unconstitutional policies and practices of the CITY.

16 **PARTIES**

17 6. At all relevant times, Oscar Vasquez Lopez was an individual residing in
18 the City of Los Angeles, California.

19 7. Plaintiff NELSON VASQUEZ is an individual residing in the city of
20 Fullerton, California and is the natural son of Oscar Vasquez Lopez. NELSON
21 VASQUEZ sues in his individual capacity as the son of Oscar Vasquez Lopez and a
22 representative capacity as successor-in-interest to Oscar Vasquez Lopez pursuant to
23 California Code of Civil Procedure §377.60. NELSON VASQUEZ seeks both
24 survival and wrongful death damages under federal and state law.

25 8. Plaintiff DAYLIN VASQUEZ is an individual residing in the state of
26 Florida and is the natural daughter of Oscar Vasquez Lopez. DAYLIN VASQUEZ
27 sues in her individual capacity as the daughter of Oscar Vasquez Lopez and a
28 representative capacity as a successor-in-interest to Oscar Vasquez Lopez pursuant to

1 California Code of Civil Procedure §377.60. DAYLIN VASQUEZ seeks both
2 survival and wrongful death damages under federal and state law.

3 9. Plaintiff LUSSY VASQUEZ is an individual residing in the country of
4 Guatemala and is the natural daughter of Oscar Vasquez Lopez. LUSSY VASQUEZ
5 sues in her individual capacity as the daughter of Oscar Vasquez Lopez and a
6 representative capacity as successor-in-interest to Oscar Vasquez Lopez pursuant to
7 California Code of Civil Procedure §377.60. LUSSY VASQUEZ seeks both survival
8 and wrongful death damages under federal and state law.

9 10. Plaintiff OSCAR VASQUEZ is a minor individual residing in the state
10 of Florida and is the natural son of Oscar Vasquez Lopez. OSCAR VASQUEZ sues
11 in his individual capacity as the son of Oscar Vasquez Lopez and a representative
12 capacity as successor-in-interest to Oscar Vasquez Lopez pursuant to California Code
13 of Civil Procedure §377.60. OSCAR VASQUEZ seeks both survival and wrongful
14 death damages under federal and state law.

15 11. Plaintiff K.V. is a minor individual residing in the country of Guatemala
16 and is the natural daughter of Oscar Vasquez Lopez. K.V. sues in her individual
17 capacity as the daughter of Oscar Vasquez Lopez and a representative capacity as
18 successor-in-interest to Oscar Vasquez Lopez pursuant to California Code of Civil
19 Procedure §377.60. K.V. seeks both survival and wrongful death damages under
20 federal and state law.

21 12. Plaintiff A.V. is a minor individual residing in the country of Guatemala
22 and is the natural son of Oscar Vasquez Lopez. A.V. sues in his individual capacity
23 as the son of Oscar Vasquez Lopez and a representative capacity as successor-in-
24 interest to Oscar Vasquez Lopez pursuant to California Code of Civil Procedure
25 §377.60. A.V. seeks both survival and wrongful death damages under federal and
26 state law.

27 13. Plaintiff JOSE VASQUEZ LOPEZ is an individual residing in the City
28 of Fullerton, California and is the natural brother of Oscar Vasquez Lopez. JOSE

1 VASQUEZ LOPEZ sues in his individual capacity as the brother of Oscar Vasquez
2 Lopez and seeks compensatory damages under state law.

3 14. At all relevant times, Defendant CITY OF LOS ANGELES (“CITY”) is
4 and was a municipal corporation existing under the laws of the State of California.
5 CITY is a chartered subdivision of the State of California with the capacity to be
6 sued. CITY is responsible for the actions, omissions, policies, procedures, practices,
7 and customs of its various agents and agencies, including the Los Angeles Police
8 Department (“LAPD”) and its agents and employees. At all relevant times, Defendant
9 CITY was responsible for assuring that the actions, omissions, policies, procedures,
10 practices, and customs of the CITY and its employees and agents complied with the
11 laws of the United States and of the State of California. At all relevant times, CITY
12 was the employer of some or all of Defendants DOES ~~12~~-10.

13 15. Defendant SEAN STEELMON (“STEELMON”) is a police officer for
14 the CITY working for the LAPD at the time of this incident. STEELMON was acting
15 under color of law within the course and scope of his employment with the CITY and
16 LAPD at all relevant times. STEELMON was acting with the complete authority and
17 ratification of his principal, Defendant CITY.

18 ~~14.16.~~ Defendants DOES ~~12~~-10 are police officers for the CITY’s Police
19 Department (“DOE OFFICERS”). At all relevant times, DOE OFFICERS were
20 acting under color of law within the course and scope of their duties as officers for
21 the Police Department; and were acting with the complete authority and ratification
22 of their principal, Defendant CITY.

23 ~~15.17.~~ On information and belief, Defendants STEELMON and DOES ~~12~~-10
24 were residents of the City of Los Angeles, California at all relevant times.

25 ~~16.18.~~ In doing the acts, failings, and/or omissions as hereinafter described,
26 Defendants STEELMON and DOE OFFICERS were acting on the implied and actual
27 permission and consent of Defendant CITY.

28 ~~17.19.~~ The true names and capacities, whether individual, corporate,

1 association or otherwise of Defendant DOES ~~18~~12-10, inclusive, are unknown to
2 Plaintiffs, who otherwise sue these Defendants by such fictitious names. Plaintiffs
3 will seek leave to amend this complaint to show the true names and capacities of
4 these Defendants when they have been ascertained. Each of the fictitiously named
5 Defendants is responsible in some manner for the conduct or liabilities alleged herein.

6 ~~18-20~~12-20. Defendants DOES ~~18~~12-10 are sued in their individual capacities.

7 ~~19-21~~12-21. At all times mentioned herein, each and every Defendant, including
8 DOES ~~16~~12-10, was the agent of each and every other Defendant and had the legal duty
9 to oversee and supervise the hiring, conduct, and employment of each and every
10 Defendant.

11 ~~20-22~~12-22. All of the acts complained of herein by Plaintiffs against Defendants,
12 including DOES ~~12~~12-10, were done and performed by said Defendants by and through
13 their authorized agents, servants, and/or employees, all of whom at all relevant times
14 herein were acting with the course, purpose, and scope of said agency, service, and/or
15 employment capacity. Moreover, Defendants and their agents ratified all of the acts
16 complained herein.

17 ~~21-23~~12-23. On or around March 29, 2024, Plaintiffs filed comprehensive and timely
18 claims for damages with the City of Los Angeles pursuant to the applicable sections
19 of the California Government Code. Said claims were denied on May 8, 2024.

20 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

21 ~~22-24~~12-24. Plaintiffs repeat and reallege each and every allegation in the foregoing
22 paragraphs of this Complaint with the same force and effect as if fully set forth
23 herein.

24 ~~23-25~~12-25. On or about October 7, 2023, Oscar Vasquez Lopez was with his
25 brother, Plaintiff JOSE VASQUEZ LOPEZ, at or near 21051 Sherman Way in the
26 City of Los Angeles, California. The two brothers were asleep inside of Oscar
27 Vasquez Lopez's vehicle, which was parked and not running. JOSE VASQUEZ
28 LOPEZ was seated in the front passenger seat and Oscar Vasquez Lopez was seated

1 in the driver's seat.

2 24-26. Defendants STEELMON and DOE OFFICERS (collectively,
3 "Defendant Officers") approached the vehicle. ~~DOE-1~~STEELMON was armed with a
4 shotgun and approached the front passenger-side door and opened it.

5 25-27. Thereafter, ~~DOE OFFICERS~~the Defendant Officers escalated the
6 situation when, pursuant to an order given by ~~DOE-1~~STEELMON, ~~DOE~~
7 OFFICERSone or more of the other Defendant Officers forcefully removed JOSE
8 VASQUEZ LOPEZ from the vehicle and ~~DOE-1~~STEELMON aimed his shotgun at
9 Oscar Vasquez Lopez.

10 26-28. Oscar Vasquez Lopez raised his hands to the level of the steering wheel
11 so that they were clearly visible. However, when Oscar Vasquez Lopez moved his
12 hands slightly and slowly, ~~DOE-1~~STEELMON immediately discharged his shotgun
13 at Oscar Vasquez Lopez, striking him in the head/neck area.

14 27-29. At the time of the shooting, Oscar Vasquez Lopez posed no immediate
15 threat of death or serious physical injury to ~~DOE OFFICERS~~the Defendant Officers,
16 or any other person.

17 28-30. At the time of the shooting, Oscar Vasquez Lopez was not holding any
18 weapon, had made no aggressive movements, had not aimed any weapon toward
19 ~~DOE OFFICERS~~the Defendant Officers, had not moved toward ~~DOE OFFICERS~~the
20 Defendant Officers in any manner, and did not make any furtive movements that
21 would suggest to a reasonable officer that Oscar Vasquez Lopez was attempting or
22 intending to inflict harm to ~~DOE OFFICERS~~the Defendant Officers or anyone else.

23 29-31. At no time during the encounter did Oscar Vasquez Lopez verbally
24 threaten to harm anyone.

25 30-32. On information and belief, at the time of the shooting, ~~DOE~~
26 OFFICERSthe Defendant Officers had no information that Oscar Vasquez Lopez had
27 committed any crime, had any criminal history, or had ever physically harmed
28 anyone.

1 31-33. Prior to the shooting, ~~DOE OFFICERS~~ the Defendant Officers did not
2 issue appropriate commands to Oscar Vasquez Lopez.

3 32-34. ~~DOE OFFICERS~~ The Defendant Officers did not employ tactics to de-
4 escalate the situation, failed to give Oscar Vasquez Lopez time and space to
5 understand and accept the presence of the officers, failed to approach and speak to
6 Oscar Vasquez Lopez in a non-threatening manner, failed to consider whether Oscar
7 Vasquez Lopez was able to understand them, and failed to give Oscar Vasquez Lopez
8 the opportunity to consent to and cooperate with the instructions of the officers in a
9 manner he could understand.

10 33-35. Oscar Vasquez Lopez was seated in his vehicle and did not pose an
11 immediate threat to anyone at the time ~~DOE OFFICERS~~ STEELMON shot and killed
12 him. On information and belief, ~~DOE OFFICERS~~ the Defendant Officers had
13 alternate means of neutralizing and/or effectuating the seizure of Oscar Vasquez
14 Lopez available, including through any of a variety of readily available less-than-
15 lethal means or strategies. The force used by ~~the Defendants DOE~~
16 ~~OFFICERS~~, STEELMON was unnecessary, excessive, and unreasonable under the
17 totality of the circumstances.

18 34-36. ~~DOE-1~~ STEELMON shot Oscar Vasquez Lopez even though he was not
19 an immediate threat of death or serious bodily injury to him or anyone else and there
20 were other less lethal options available. ~~DOE-1~~ STEELMON did not show a
21 reverence for human life, and this was not an immediate defense of life situation.

22 35-37. Based on information and belief, after ~~DOE-1~~ STEELMON discharged
23 his firearm and ~~DOE OFFICERS~~ the Defendant Officers became aware of Oscar
24 Vasquez Lopez's deteriorating physical condition, the Defendant Officers ~~DOE~~
25 ~~OFFICERS~~ waited several minutes before summoning paramedics to render medical
26 care, and further delayed paramedics' access to Oscar Vasquez Lopez upon arrival.

27 36-38. Oscar Vasquez Lopez died as a result of his injuries caused by ~~DOE~~
28 ~~OFFICERS~~ the Defendant Officers.

1 37.39. Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY
2 VASQUEZ, OSCAR VASQUEZ, K.V., and A.V. are Oscar Vasquez Lopez's
3 successors in interest as defined in Section 377.11 of the California Code of Civil
4 Procedure and succeed to Oscar Vasquez Lopez's interest in this action as the natural
5 children of Oscar Vasquez Lopez.

6 **FIRST CLAIM FOR RELIEF**

7 **Unreasonable Search and Seizure - Excessive Force (42 U.S.C. § 1983)**

8 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
9 **OSCAR VASQUEZ, K.V., and A.V. against Defendants ~~DOES 1-10~~ SEAN**

10 **STEELMON**

11 38.40. Plaintiffs repeat and reallege each and every allegation in the foregoing
12 paragraphs of this Complaint with the same force and effect as if fully set forth
13 herein.

14 39.41. The unreasonable use of force by Defendants ~~DOE~~
15 ~~OFFICERS~~ STEELMON deprived Oscar Vasquez Lopez of his right to be secure in
16 his person against unreasonable searches and seizures as guaranteed to Oscar
17 Vasquez Lopez under the Fourth Amendment to the United States Constitution and
18 applied to state actors by the Fourteenth Amendment.

19 40.42. As a result, Oscar Vasquez Lopez suffered extreme pain and suffering
20 and eventually suffered a loss of life. Plaintiffs have also been deprived of the life-
21 long love, companionship, comfort, support, society, care, and sustenance of Oscar
22 Vasquez Lopez, and will continue to be so deprived for the remainder of their natural
23 lives. Plaintiffs are also claiming funeral expenses and loss of financial support.

24 41.43. As a result of the conduct of Defendants ~~DOE OFFICERS~~ STEELMON,
25 ~~they are~~ he is liable for Oscar Vasquez Lopez's injuries, ~~either~~ because ~~they were~~ he
26 was an integral participants in the use of excessive force, ~~or because they failed to~~
27 ~~intervene to prevent these violations.~~

28 42.44. This use of deadly force was excessive and unreasonable under the

1 circumstances, especially since Oscar Vasquez Lopez never attempted to physically
2 injure ~~DOE OFFICERS~~the Defendant Officers or anyone else prior to being fatally
3 shot. Further, Oscar Vasquez Lopez never verbally threatened anyone and never
4 pointed a weapon at ~~DOE OFFICERS~~the Defendant Officers or anyone else, prior to
5 being fatally shot. Oscar Vasquez Lopez did not pose an immediate threat of death or
6 serious bodily injury to anyone at the time of the shooting. Defendant
7 STEELMON's² actions thus deprived Oscar Vasquez Lopez of his right to be free
8 from unreasonable searches and seizures under the Fourth Amendment and applied to
9 state actors by the Fourteenth Amendment.

10 43.45. The conduct of Defendants ~~DOE OFFICERS~~STEELMON was willful,
11 wanton, malicious, and done with reckless disregard for the rights and safety of Oscar
12 Vasquez Lopez and therefore warrants the imposition of exemplary and punitive
13 damages as to Defendants ~~DOE OFFICERS~~STEELMON.

14 44.46. As a direct and proximate result of the wrongful death of Oscar Vasquez
15 Lopez, Plaintiffs suffered the loss of love, companionship, comfort, care, assistance,
16 protection, affection, society, financial support, moral support, and guidance of Oscar
17 Vasquez Lopez. Accordingly, ~~DOE OFFICERS~~STEELMON ~~are~~is liable to Plaintiffs
18 for compensatory damages under 42 U.S.C. § 1983.

19 45.47. Plaintiffs also bring this claim as successors-in-interest to the Oscar
20 Vasquez Lopez and seek both survival and wrongful death damages for the violation
21 of Oscar Vasquez Lopez's rights.

22 46.48. Plaintiffs also seek attorney's fees and costs under this claim.

23 **SECOND CLAIM FOR RELIEF**

24 **Fourth Amendment – Unlawful Detention and Arrest (42 U.S.C. § 1983)**
25 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
26 **OSCAR VASQUEZ, K.V., and A.V. against Defendants ~~DOES 1-10~~SEAN**
27 **STEELMON and DOES 2-10**

28 47.49. Plaintiffs repeat and reallege each and every allegation in the foregoing

1 paragraphs of this Complaint with the same force and effect as if fully set forth
2 herein.

3 48-50. When Defendant ~~DOE-1~~STEELMON trained his weapon on Oscar
4 Vasquez Lopez, Oscar Vasquez Lopez was not free to leave. ~~DOE-1~~STEELMON
5 struck Oscar Vasquez Lopez with a lethal round, thereby seizing him. After the
6 shooting, on information and belief, ~~DOE OFFICERS~~the Defendant Officers
7 handcuffed Oscar Vasquez Lopez. ~~DOE OFFICERS~~The Defendant Officers did not
8 observe Oscar Vasquez Lopez commit any crime, and Oscar Vasquez Lopez was not
9 engaged in any criminal activity at the time of the seizure, the use of force, or the
10 handcuffing. In addition to the detention itself being unreasonable, the scope and
11 manner of the detention was also unreasonable, because it was not necessary or
12 reasonable to perpetuate the seizure of Oscar Vasquez Lopez by shooting him with a
13 shotgun.

14 49-51. When the Defendant Officers ~~DOE OFFICERS~~ engaged in the foregoing
15 conduct, detaining Oscar Vasquez Lopez without reasonable suspicion that he was
16 committing or had committed a crime and then arresting him without probable cause
17 to believe same, they violated his right to be secure in his person against
18 unreasonable searches and seizures as guaranteed to him under the Fourth
19 Amendment of the United States Constitution and applied to state actors by the
20 Fourteenth Amendment.

21 50-52. The conduct of the Defendant Officers ~~DOE OFFICERS~~ was willful,
22 wanton, malicious, and done with reckless disregard for the rights and safety of Oscar
23 Vasquez Lopez and therefore warrants the imposition of exemplary and punitive
24 damages as to Defendants STEELMON and DOE OFFICERS.

25 51-53. At all relevant times, ~~DOE OFFICERS~~the Defendant Officers were
26 acting under color of state law.

27 52-54. As a result of their misconduct, the Defendant Officers ~~DOE OFFICERS~~
28 are liable for Oscar Vasquez Lopez's injuries, either because they were integral

1 participants in the wrongful detention and arrest, or because they failed to intervene
2 to prevent these violations.

3 53-55. As a result of the foregoing, Oscar Vasquez Lopez suffered great
4 physical pain and emotional distress up to the time of his death after the shooting, and
5 also suffered a loss of enjoyment of life, loss of life, and loss of earning capacity.

6 54-56. Plaintiffs also bring this claim as successors-in-interest to the Oscar
7 Vasquez Lopez and seek both survival and wrongful death damages for the violation
8 of Oscar Vasquez Lopez's rights. Plaintiffs are also claiming funeral expenses and
9 loss of financial support.

10 55-57. Plaintiffs also seek attorney's fees and costs under this claim.

11 **THIRD CLAIM FOR RELIEF**

12 **Fourth Amendment - Denial of Medical Care (42 U.S.C. § 1983)**

13 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
14 **OSCAR VASQUEZ, K.V., and A.V. against Defendants SEAN STEELMON**
15 **and DOES 12-10**

16 56-58. Plaintiffs repeat and reallege each and every allegation in the foregoing
17 paragraphs of this Complaint with the same force and effect as if fully set forth
18 herein.

19 57-59. The denial of medical care by the Defendant Officers ~~DOE OFFICERS~~
20 deprived Oscar Vasquez Lopez of his right to be secure in his persons against
21 unreasonable searches and seizures as guaranteed to Oscar Vasquez Lopez under the
22 Fourth Amendment to the United States Constitution and applied to state actors by
23 the Fourteenth Amendment.

24 58-60. As a result, Oscar Vasquez Lopez suffered extreme mental and physical
25 pain and eventually suffered a loss of life and earning capacity. Plaintiffs have also
26 been deprived of the life-long love, companionship, comfort, support, society,
27 care, and sustenance of Oscar Vasquez Lopez, and will continue to be so deprived for
28 the remainder of their natural lives. Plaintiffs are also claiming funeral and burial

1 expenses and loss of financial support.

2 ~~59.61.~~ The Defendant Officers ~~DOE OFFICERS~~ knew that failure to provide
3 timely medical treatment to Oscar Vasquez Lopez could result in further significant
4 injury or the unnecessary and wanton infliction of pain, but disregarded that serious
5 medical need, causing Oscar Vasquez Lopez's death.

6 ~~60.62.~~ The conduct of the Defendant Officers ~~DOE OFFICERS~~ was willful,
7 wanton, malicious, and done with reckless disregard for the rights and safety of Oscar
8 Vasquez Lopez and therefore warrants the imposition of exemplary and punitive
9 damages as to the Defendant ~~DOE OFFICERS~~ Officers.

10 ~~61.63.~~ Plaintiffs also bring this claim as successors-in-interest to the Oscar
11 Vasquez Lopez and seek both survival and wrongful death damages for the violation
12 of Oscar Vasquez Lopez's rights.

13 ~~62.64.~~ Plaintiffs also seek attorney's fees and costs under this claim.

14 **FOURTH CLAIM FOR RELIEF**

15 **First and Fourteenth Amendments – Interference with Familial Relationship**
16 **(42 U.S.C. § 1983)**

17 **Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
18 **OSCAR VASQUEZ, K.V., and A.V. against Defendants ~~DOES 1-10~~ SEAN**
19 **STEELMON**

20 ~~63.65.~~ Plaintiffs repeat and reallege each and every allegation in the foregoing
21 paragraphs of this Complaint with the same force and effect as if fully set forth
22 herein.

23 ~~64.66.~~ NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,
24 OSCAR VASQUEZ, K.V., and A.V. had a cognizable interest under the Due Process
25 Clause of the Fourteenth Amendment of the United States Constitution to be free
26 from state actions that deprive them of life, liberty, or property in such a manner as to
27 shock the conscience, including but not limited to, unwarranted state interference in
28 Plaintiff's familial relationship with their father, Oscar Vasquez Lopez. These

1 Plaintiffs also had a cognizable interest under the First Amendment to the United
2 States Constitution to be free from state actions that unreasonably interfere with their
3 familial relationship and association with their father, Oscar Vasquez Lopez.

4 65-67. As a result of the excessive force by Defendant ~~DOE~~
5 ~~OFFICERS~~STEELMON, Oscar Vasquez Lopez died. Plaintiffs were thereby
6 deprived of their constitutional right of familial relationship with Oscar Vasquez
7 Lopez.

8 66-68. The aforementioned actions of ~~DOE~~ ~~OFFICERS~~STEELMON, along
9 with any undiscovered conduct, shock the conscience, in that they acted with
10 deliberate indifference to the constitutional rights of the Oscar Vasquez Lopez and
11 Plaintiffs and with purpose to harm unrelated to any legitimate law enforcement
12 objective.

13 67-69. Defendant ~~DOE~~ ~~OFFICERS~~STEELMON, acting under color of state
14 law, thus violated the First and Fourteenth Amendment rights of Plaintiffs to be free
15 from unwarranted interference with their familial relationship and right of association
16 with Oscar Vasquez Lopez.

17 68-70. Defendants ~~DOE~~ ~~OFFICERS~~STEELMON, acting under color of state
18 law, thus violated the First and Fourteenth Amendment rights of Oscar Vasquez
19 Lopez and Plaintiffs.

20 69-71. As a direct and proximate cause of the actions of ~~DOE~~
21 ~~OFFICERS~~STEELMON, Plaintiffs have suffered emotionally and have been
22 deprived of the life-long love, companionship, comfort, support, society, care, and
23 sustenance of Oscar Vasquez Lopez, and will continue to be so deprived for the
24 remainder of their natural lives. Plaintiffs are also claiming funeral and burial
25 expenses and loss of financial support.

26 70-72. As a result of the conduct of ~~DOE~~ ~~OFFICERS~~STEELMON, ~~they are~~he
27 is liable for DECEDENT'S injuries because ~~they were~~he was an integral participants
28 in the denial of due process and free association rights.

1 ~~78.80.~~ On and for some time prior to October 7, 2023, and continuing to the
2 present date, Defendant CITY deprived Oscar Vasquez Lopez and Plaintiffs of the
3 rights and liberties secured to them by the First, Fourth, and Fourteenth Amendments
4 to the United States Constitution, because said Defendant and its supervising and
5 managerial employees, acted with gross negligence and with reckless and deliberate
6 indifference to the rights and liberties of the public in general, and of Plaintiffs and
7 Oscar Vasquez Lopez, and of persons in their class, situation and comparable
8 position in particularly, knowingly maintained, enforced, and applied an official
9 recognized custom, policy, and practice of:

- 10 a. Employing and retaining as police officers and other personnel,
11 including ~~DOE OFFICERS~~ the Defendant Officers, whom
12 Defendant CITY at all times material herein knew or reasonably
13 should have known had dangerous propensities of abusing their
14 authority and for mistreating citizens by failing to follow written
15 CITY Police Department policies.
- 16 b. Inadequately supervising, training, controlling, assigning, and
17 disciplining CITY's police officers, and other personnel, who
18 Defendant CITY knew or in the exercise of reasonable care
19 should have known had the aforementioned propensities and
20 character traits.
- 21 c. Failing to adequately train officers, including ~~DOE~~
22 ~~OFFICERS~~ the Defendant Officers, and failing to institute
23 appropriate policies, regarding the use of excessive force,
24 including deadly force; and
- 25 d. Having and maintaining an unconstitutional policy, custom, and
26 practice of using excessive force, including deadly force, which is
27 also demonstrated by inadequate training regarding these
28 subjects.;

- e. Maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining the intentional misconduct of Defendant CITY police officers, such as DOE OFFICERS;
- f. Failing to discipline CITY police officers, such as DOE OFFICERS, for conduct such as unlawful detention and excessive use of deadly force;
- g. Ratifying the misconduct of Defendant CITY police officers, such as DOE OFFICERS, for conduct such as excessive use of deadly force;
- h. Failing to properly investigate incidents of excessive use of deadly force by Defendant CITY police officers, such as DOE OFFICERS; and,

79. On information and belief, it is the policy, custom, and practice of Defendant CITY to not objectively investigate complaints of previous incidents of wrongful shootings, excessive use of deadly force, and illegal arrests, and instead, to officially claim that such incidents are justified and proper.

80. The policies, customs, and practices of Defendant CITY do in fact encourage CITY police officers such as ~~DOE OFFICERS~~ the Defendant Officers, to believe that wrongful shootings, excessive use of deadly force against residents, and illegal arrests are permissible and will be permitted by Defendant CITY. The Defendant Officers ~~DOE OFFICERS~~ were aware of the policies, customs, and practices of Defendants CITY and ~~DOE OFFICERS~~ the Defendant Officers used excessive deadly force against Oscar Vasquez Lopez. These policies and customs of the CITY were the driving force that caused ~~DOE-1~~ STEELMON to shoot Oscar Vasquez Lopez.

81. Other systemic deficiencies, policies, customs, and practices which indicated, and continue to indicate, a deliberate indifference to the violations of the

1 civil rights by the CITY police officers, such as ~~DOE OFFICERS~~the Defendant
2 Officers, that Defendants CITY ~~were~~was aware of, and has condoned and ratified
3 include:

- 4 a. Preparation of investigative reports designed to vindicate the use
5 of excessive use of force, regardless of whether such force was
6 justified;
- 7 b. Preparation of investigative reports which uncritically rely solely
8 on the word of police officers involved in the assault, battery,
9 excessive use of force incidents and which systematically fail to
10 credit testimony by non-police witnesses;
- 11 c. Issuance of public statements exonerating officers involved in
12 such incidents prior to the completion of investigations of the
13 excessive use of force;
- 14 d. Failure to objectively and independently review investigative
15 reports by responsible superior officers for accuracy or
16 completeness and acceptance of conclusions which are
17 unwarranted by the evidence of the wrongful shooting, assault,
18 excessive use of deadly force, or which contradict such evidence.

19 82. By reason of the aforementioned policies and practices of Defendant
20 CITY, Oscar Vasquez Lopez was severely injured and subjected to pain and
21 suffering and lost his life.

22 83. Defendant CITY, together with various other officials, whether named
23 or unnamed, had either actual or constructive knowledge of the deficient policies,
24 practices and customs alleged in the paragraphs above. Despite having knowledge as
25 stated above, CITY condoned, tolerated and through actions and inactions thereby
26 ratified such policies. CITY also acted with deliberate indifference to the foreseeable
27 effects and consequences of these policies with respect to the constitutional rights of
28 Oscar Vasquez Lopez, and other individuals similarly situated.

1 84. By perpetrating, sanctioning, tolerating, and ratifying the outrageous
2 conduct and other wrongful acts, Defendant CITY acted with an intentional, reckless,
3 and callous disregard for the rights and the life of Oscar Vasquez Lopez, and Oscar
4 Vasquez Lopez's and Plaintiffs' constitutional rights.

5 85. The following are only a few examples of cases where Los Angeles
6 Police Department officers used excessive deadly force and were not disciplined,
7 reprimanded, retained, suspended, or otherwise penalized in connection with the
8 underlying acts giving rise to the below lawsuits, which indicates that the CITY
9 routinely ratifies such behavior, fails to properly train its Officers, and maintains a
10 practice of allowing such behavior:

- 11 a. In *Contreras v. City of Los Angeles*, case number 2:11-cv-01480-
12 SVH (SHx), a unanimous jury awarded for Mr. Contreras after
13 finding that the involved LAPD officers used excessive and
14 unreasonable force when they shot Mr. Contreras, who was
15 unarmed.
- 16 b. In *P.C., et al. v. City of Los Angeles*, case number CV 07-3413
17 PLA, a unanimous jury awarded for plaintiffs after finding that
18 the involved LAPD officers' use of deadly force was excessive
19 and unreasonable.
- 20 c. In *Herrera, et al. v. City of Los Angeles, et al.*, case number 16-
21 cv-02719-DSF (SHx), a unanimous jury awarded for plaintiffs
22 where an LAPD officer used excessive force.
- 23 d. In *Mears, et al. v. City of Los Angeles, et al.*, case number 2:15-
24 cv-08441-JAK-AJW, a unanimous jury found *Monell* liability on
25 the part of the City for failure to properly train its LAPD officers
26 and found that the involved officers' use of deadly force was
27 excessive and unreasonable.
28

- 1 e. In *Hernandez, et al. v. City of Los Angeles*, et al., case number
2 2:16-cv-02689, a unanimous jury found that two LAPD officers
3 used excessive and unreasonable force against Alex Jimenez, who
4 was unarmed.
- 5 f. In *L.D., et al. v. City of Los Angeles*, case number 2:16-cv-04626-
6 PSG, a unanimous jury found that officers used excessive and
7 unreasonable force against Cesar Frias.
- 8 g. In *Medina v. City of Los Angeles*, case number CV 06-4926-CBM
9 (Ex), plaintiff alleged that the involved LAPD officers used
10 excessive and unreasonable force when they kept the decedent
11 down in a prone position while he was handcuffed and hobbled
12 and placed weight on his back and pressure on his neck for an
13 extended period of time. The medical examiner in that case
14 confirmed that the decedent died as a result of restraint asphyxia.
15 A unanimous jury returned a verdict in plaintiff's favor, finding
16 that the use of force was excessive and unreasonable. In that case,
17 the involved officers were not disciplined or retrained for their
18 use of force, and the CITY found that the officer's conduct was
19 justified and did not violate any CITY policy.
- 20 h. In *Cano, et al. v. City of Los Angeles*, case number 2:15-cv-
21 00333-JAK-E, the family of an unarmed man (David Martinez),
22 who was shot and killed by LAPD Rampart officers, alleged that
23 the force used by the officers was excessive and unreasonable.
24 Police reports confirmed that Mr. Martinez was unarmed at the
25 time of the shooting. In that case, the involved officers were not
26 disciplined or retrained for their use of deadly force, and the
27 CITY found that the shooting was justified and did not violate
28 any CITY policy.

1 i. In *Murrillo v. City of Los Angeles*, No. 2:21-cv-08738-FMO-
2 AGR, a unanimous jury found for plaintiffs and determined that a
3 LAPD officer's shooting of Jesse Murrillo while he was not
4 approaching officers and posed no immediate threat was
5 excessive and unreasonable.

6 86. Furthermore, the policies, practices, and customs implemented and
7 maintained and still tolerated by Defendant CITY were affirmatively linked to and
8 were significantly influential forces behind the injuries of Oscar Vasquez Lopez and
9 Plaintiffs.

10 87. By reason of the aforementioned acts and omissions of Defendant
11 CITY, Plaintiffs have suffered loss of love, companionship, affection, comfort, care,
12 society, and future support of Oscar Vasquez Lopez.

13 88. Accordingly, Defendant CITY is liable to Plaintiffs for compensatory
14 damages under 42 U.S.C. § 1983.

15 89. Plaintiffs bring this claim individually and as successors in interest to
16 Oscar Vasquez Lopez and seek both survival and wrongful death damages under this
17 claim. Plaintiffs are also claiming funeral expenses and loss of financial support.

18 90. Plaintiffs also seek statutory attorney fees and costs under this claim.

19 ~~90.~~ ///

20 **SIXTH CLAIM FOR RELIEF**

21 **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

22 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
23 **OSCAR VASQUEZ, K.V., and A.V. against Defendant CITY OF LOS**
24 **ANGELES**

25 91. Plaintiffs repeat and reallege each and every allegation in the foregoing
26 paragraphs of this Complaint with the same force and effect as if fully set forth
27 herein.

1 92. The Defendant Officers ~~DOE OFFICERS~~ acted under color of law. The
2 acts of said Defendants deprived Oscar Vasquez Lopez and Plaintiffs of their
3 particular rights under the United States Constitution.

4 93. The training policies of Defendant CITY were not adequate to train its
5 police officers to handle the usual and recurring situations with which they must
6 deal.

7 94. Defendant CITY was deliberately indifferent to the obvious
8 consequences of its failure to train its officers adequately.

9 95. The negligent and unjustified use of force by the said Defendant
10 Officers ~~DOE OFFICERS~~ was a result of the negligent training by the Defendant
11 CITY, who failed to train CITY officers as to proper police tactics, proper use of
12 force, proper use of deadly force, and proper detention and arrest procedures. CITY
13 was responsible for the training of CITY officers to ensure that the actions,
14 procedures, and practices of said Defendants complied with Peace Officer Standards
15 and Training (POST) training standards regarding proper police tactics, and proper
16 use of deadly force.

17 96. CITY negligently failed to train CITY officers to comply with POST
18 training standards regarding proper police tactics, proper use of force, proper use of
19 deadly force, and proper detention and arrest procedures. POST was established by
20 the California Legislature in 1959 to set minimum training standards for California
21 police officers. The training policies of CITY were not adequate to train its police
22 officers to handle the usual and recurring situations with residents that said
23 Defendants have contact with.

24 97. The training policies of the CITY were deficient in the following ways:

- 25 a. The CITY failed to properly train CITY police officers, so that
26 officers do not escalate their interactions with members of the
27 public and do not overreact and resort to use of deadly force
28 when the use of force was not necessary.

1 b. The CITY failed to properly train CITY police officers, such as
2 the Defendant Officers-DOE OFFICERS, in proper police
3 tactics, such as situational awareness so that police officers do
4 not utilize negligent tactics. Because of this lack of proper
5 training by the CITY, the Defendant Officers-DOE OFFICERS
6 did not use proper police tactics in handling of the contact with
7 Oscar Vasquez Lopez, and instead used defective police tactics,
8 including the lack of a situational awareness by the said
9 Defendants. These defective tactics resulted in the death of
10 Oscar Vasquez Lopez.

11 c. The CITY failed to properly train CITY police officers, such as
12 the Defendant Officers-DOE OFFICERS, in the use of effective
13 communication prior to using force. Because of the lack of
14 proper training by the CITY, said Defendants did not use
15 effective communication prior to and during the use of force
16 against Oscar Vasquez Lopez. The ineffective communication
17 of information by said Defendants prior to, and during the
18 incident, resulted in the death of Oscar Vasquez Lopez.

19 98. The failure of Defendant CITY to provide adequate training caused the
20 deprivation of Oscar Vasquez Lopez's and Plaintiffs' rights by said Defendants; that
21 is, Defendant CITY's failure to train is so closely related to the deprivation of the
22 Oscar Vasquez Lopez's and Plaintiffs' rights as to be the moving force that caused
23 the ultimate injury.

24 99. The following are only a few examples of continued conduct by police
25 officers working for the City of Los Angeles, which indicate the City of Los
26 Angeles's failure to properly train its police officers:

27 a. In *Contreras v. City of Los Angeles*, case number 2:11-cv-01480-
28 SVH (SHx), a unanimous jury awarded for Mr. Contreras after

1 finding that the involved LAPD officers used excessive and
2 unreasonable force when they shot Mr. Contreras, who was
3 unarmed.

- 4 b. In *P.C., et al. v. City of Los Angeles*, case number CV 07-3413
5 PLA, a unanimous jury awarded for plaintiffs after finding that
6 the involved LAPD officers' use of deadly force was excessive
7 and unreasonable.
- 8 c. In *Herrera, et al. v. City of Los Angeles, et al.*, case number 16-
9 cv-02719-DSF (SHx), a unanimous jury award for plaintiffs
10 where an LAPD officer used excessive force.
- 11 d. In *Mears, et al. v. City of Los Angeles, et al.*, case number 2:15-
12 cv-08441-JAK-AJW, a unanimous jury found *Monell* liability on
13 the part of the City for failure to properly train its LAPD officers
14 and found that the involved officers' use of deadly force was
15 excessive and unreasonable.
- 16 e. In *Hernandez, et al. v. City of Los Angeles, et al.*, case number
17 2:16-cv-02689, a unanimous jury found that two LAPD officers
18 used excessive and unreasonable force and restraint against Alex
19 Jimenez, who was unarmed.
- 20 f. In *L.D., et al. v. City of Los Angeles*, case number 2:16-cv-04626-
21 PSG, a unanimous jury found that officers used excessive and
22 unreasonable force against Cesar Frias, including the use of tasers
23 and bean bag shotguns.
- 24 g. In *Medina v. City of Los Angeles*, case number CV 06-4926-CBM
25 (Ex), plaintiff alleged that the involved LAPD officers used
26 excessive and unreasonable force when they kept the decedent
27 down in a prone position while he was handcuffed and hobbled
28 and placed weight on his back and pressure on his neck for an

1 extended period of time. The medical examiner in that case
2 confirmed that the decedent died as a result of restraint asphyxia.
3 A unanimous jury returned a verdict in plaintiff's favor, finding
4 that the use of force was excessive and unreasonable. In that case,
5 the involved officers were not disciplined or retrained for their
6 use of force, and the CITY found that the officer's conduct was
7 justified and did not violate any CITY policy.

8 h. In *Cano, et al. v. City of Los Angeles*, case number 2:15-cv-
9 00333-JAK-E, the family of an unarmed man (David Martinez),
10 who was shot and killed by LAPD Rampart officers, alleged that
11 the force used by the officers was excessive and unreasonable.
12 Police reports confirmed that Mr. Martinez was unarmed at the
13 time of the shooting. In that case, the involved officers were not
14 disciplined or retrained for their use of deadly force, and the
15 CITY found that the shooting was justified and did not violate
16 any CITY policy.

17 i. In *Murrillo v. City of Los Angeles*, No. 2:21-cv-08738-FMO-
18 AGR, a unanimous jury found for plaintiffs and determined that a
19 LAPD officer's shooting of Jesse Murrillo while he was not
20 approaching officers and posed no immediate threat was
21 excessive and unreasonable.

22 100. By reason of the aforementioned acts and omissions of Defendants,
23 Plaintiffs were caused to incur funeral and related burial expenses, and loss of
24 financial support.

25 101. By reason of the aforementioned acts and omissions, the Plaintiffs have
26 suffered loss of the love, companionship, affection, comfort, care, society, training,
27 guidance, and moral support of Oscar Vasquez Lopez.

102. Accordingly, Defendant CITY is liable to Plaintiffs for compensatory damages under 42 U.S.C. § 1983.

103. Plaintiffs bring this claim individually and as successors-in-interest to Oscar Vasquez Lopez and seek both survival and wrongful death damages under this claim.

104. Plaintiffs also seek statutory attorney fees and costs under this claim.

SEVENTH CLAIM FOR RELIEF

Municipal Liability – Ratification (42 U.S.C. § 1983)

**By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,
OSCAR VASQUEZ, K.V., and A.V. against Defendant CITY OF LOS
ANGELES**

105. Plaintiffs repeat and reallege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

106. The Defendant Officers ~~DOE OFFICERS~~ acted under color of law.

107. The acts of the Defendant Officers ~~DOE OFFICERS~~ deprived Oscar Vasquez Lopez and Plaintiffs of their particular rights under the United States Constitution.

108. On information and belief, a final policymaker, acting under color of law, who had final policymaking authority concerning the acts of ~~DOE OFFICERS~~ the Defendant Officers, ratified the Defendant Officers ~~DOE OFFICERS~~’ acts and the bases for them. The final policymaker knew of and specifically approved of the Defendant Officers ~~DOE OFFICERS~~’ acts.

109. On information and belief, a final policymaker has determined that the acts of the Defendant Officers ~~DOE OFFICERS~~ were “within policy.”

110. By reason of the aforementioned acts and omissions, Plaintiffs have suffered the loss of love, companionship, affection, comfort, care, society, training, guidance, and past and future support of Oscar Vasquez Lopez. The aforementioned

1 acts and omissions also caused Oscar Vasquez Lopez's pain and suffering, loss of
2 enjoyment of life, and death.

3 111. Accordingly, Defendant CITY is liable to Plaintiffs for compensatory
4 damages under 42 U.S.C. § 1983.

5 112. Plaintiffs bring this claim individually and as successors-in-interest to
6 Oscar Vasquez Lopez and seek both survival damages, including pre-death pain and
7 suffering, emotional distress, loss of life, and loss of enjoyment of life, and wrongful
8 death damages under this claim. Plaintiffs are also claiming funeral expenses and
9 loss of financial support.

10 113. Plaintiffs also seek attorney's fees and costs under this claim.

11 **EIGHTH CLAIM FOR RELIEF**

12 **Battery (Cal. Govt. Code § 820 and California Common Law)**

13 **(Wrongful Death)**

14 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY ANELI**
15 **VASQUEZ, OSCAR VASQUEZ, K.V., and A.V. against ~~all~~ Defendants SEAN**
16 **STEELMON and CITY OF LOS ANGELES**

17 114. Plaintiffs repeat and reallege each and every allegation in the foregoing
18 paragraphs of this Complaint with the same force and effect as if fully set forth
19 herein.

20 115. Defendant ~~DOE-1~~STEELMON, while working as a police officer for
21 the CITY Police Department and acting within the course and scope of his duties,
22 intentionally shot Oscar Vasquez Lopez. Defendants ~~DOE-1~~STEELMON had no
23 legal justification for using deadly force against Oscar Vasquez Lopez, and said
24 Defendant's use of force while carrying out his police officer duties was an
25 unreasonable use of force, especially since Oscar Vasquez Lopez was not an
26 imminent threat to ~~DOE OFFICERS~~the Defendant Officers or anyone else. The use
27 of deadly force was also unreasonable because there were less intrusive options
28 readily available.

1 116. As a result of the actions of ~~DOE~~STEELMON, Oscar Vasquez Lopez
2 suffered severe mental and physical pain and suffering, loss of enjoyment of life and
3 ultimately died from his injuries and lost learning capacity.

4 117. CITY is vicariously liable for the wrongful acts of ~~DOE~~
5 ~~OFFICERS~~STEELMON pursuant to section 815.2(a) of the California Government
6 Code, which provides that a public entity is liable for the injuries caused by its
7 employees within the scope of the employment if the employee's act would subject
8 him or her to liability.

9 118. The conduct of ~~DOE~~OFFICERSSTEELMON was malicious, wanton,
10 oppressive, and accomplished with a conscious disregard for the rights of Plaintiffs
11 and Oscar Vasquez Lopez, entitling Plaintiffs, individually and/or as successor-in-
12 interest to Oscar Vasquez Lopez, to an award of exemplary and punitive damages.
13 Plaintiffs are also claiming funeral expenses and loss of financial support.

14 119. Plaintiffs bring this claim individually and as successors-in-interest to
15 Oscar Vasquez Lopez and seek both survival damages, including for pre-death pain
16 and suffering, and wrongful death damages under this claim.

17 **NINTH CLAIM FOR RELIEF**

18 **Negligence (Cal. Govt. Code § 820 and California Common Law)**

19 **(Wrongful Death)**

20 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
21 **OSCAR VASQUEZ, K.V., and A.V. against all Defendants**

22 120. Plaintiffs repeat and reallege each and every allegation in the foregoing
23 paragraphs of this Complaint with the same force and effect as if fully set forth
24 herein.

25 121. The actions and inactions of Defendants were negligent, including but
26 not limited to:

- 27 a. The failure to properly and adequately train employees including
28 ~~DOE~~OFFICERSthe Defendant Officers with regard to the use of

1 force, including deadly force;

2 b. The failure to properly and adequately assess the need to detain,
3 arrest, and use force, including deadly force against Oscar
4 Vasquez Lopez;

5 c. The negligent tactics and handling of the situation with Oscar
6 Vasquez Lopez, including pre-shooting negligence;

7 d. The negligent detention, arrest, and use of force, including deadly
8 force, against Oscar Vasquez Lopez;

9 e. The negligent failure to provide and or summon prompt medical
10 care to Oscar Vasquez Lopez;

11 f. The failure to give a verbal warning or appropriate commands
12 prior to shooting;

13 g. And failure to properly train and supervise employees, including
14 ~~DOE OFFICERS~~the Defendant Officers.

15 122. As a direct and proximate result of Defendants' conduct as alleged
16 above, and other undiscovered negligent conduct, Oscar Vasquez Lopez suffered
17 extreme mental and physical pain and suffering and ultimately died and lost earning
18 capacity. Also, as a direct and proximate result of Defendants' conduct as alleged
19 above, Plaintiffs have also been deprived of the life-long love, companionship,
20 comfort, support, society, care, and sustenance of Oscar Vasquez Lopez, and will
21 continue to be so deprived for the remainder of their natural lives. Plaintiffs are also
22 claiming funeral and burial expenses and loss of financial support.

23 123. CITY is vicariously liable for the wrongful acts of ~~DOE OFFICERS~~the
24 Defendant Officers pursuant to section 815.2(a) of the California Government Code,
25 which provides that a public entity is liable for the injuries caused by its employees
26 within the scope of the employment if the employee's act would subject him or her to
27 liability.
28

1 124. Plaintiffs bring this claim individually and as successors-in-interest to
2 Oscar Vasquez Lopez and seek both survival damages, including for pre-death pain
3 and suffering, and wrongful death damages under this claim.

4 **TENTH CLAIM FOR RELIEF**

5 **Negligent Infliction of Emotional Distress**

6 **(Cal. Govt. Code § 820 and California Common Law)**

7 **By Plaintiff JOSE VASQUEZ LOPEZ against all Defendants**

8 125. Plaintiffs repeat and reallege each and every allegation in the foregoing
9 paragraphs of this Complaint with the same force and effect as if fully set forth
10 herein.

11 126. The Defendant Officers ~~DOE OFFICERS~~' negligence caused physical
12 injury and death to Oscar Vasquez Lopez when ~~DOE~~ STEELMON discharged his
13 firearm at Oscar Vasquez Lopez, striking Oscar Vasquez Lopez and eventually
14 killing him. The use of deadly force by ~~DOE OFFICERS~~ STEELMON was
15 excessive, unreasonable and ~~DOE~~ STEELMON was negligent in discharging his
16 firearm at Oscar Vasquez Lopez, including through his pre-shooting negligent
17 conduct, actions, inactions and tactics.

18 127. JOSE VASQUEZ LOPEZ was present at the scene when ~~DOE~~
19 STEELMON fatally discharged his firearm at Oscar Vasquez Lopez and JOSE
20 VASQUEZ LOPEZ was then aware that Oscar Vasquez Lopez was being injured.

21 128. As a result of being present at the scene and perceiving his brother,
22 Oscar Vasquez Lopez, being fatally shot by ~~DOE OFFICERS~~ STEELMON, JOSE
23 VASQUEZ LOPEZ suffered serious emotional distress, including but not limited to
24 suffering anguish, fright, horror, nervousness, grief, anxiety, worry, shock,
25 humiliation, and shame.

26 129. On information and belief, an ordinary reasonable person would be
27 unable to cope with witnessing his brother being fatally shot by the police.
28

1 130. CITY is vicariously liable for the wrongful acts of ~~DOE OFFICERS~~the
2 Defendant Officers pursuant to section 815.2(a) of the California Government Code,
3 which provides that a public entity is liable for the injuries caused by its employees
4 within the scope of the employment if the employee's act would subject him or her to
5 liability.

6 131. Plaintiff JOSE VASQUEZ LOPEZ brings this claim individually and
7 seeks damages under this claim as an individual.

8 **ELEVENTH CLAIM FOR RELIEF**

9 **Violation of Bane Act (Cal. Civil Code § 52.1)**

10 **By Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ,**
11 **OSCAR VASQUEZ, K.V., and A.V. against ~~all~~ Defendants SEAN STEELMON**
12 **and CITY OF LOS ANGELES**

13 132. Plaintiffs repeat and reallege each and every allegation in the foregoing
14 paragraphs of this Complaint with the same force and effect as if fully set forth
15 herein.

16 133. California Civil Code, Section 52.1 (the Bane Act), prohibits any person
17 from interfering with another person's exercise or enjoyment of his constitutional
18 rights by threats, intimidation, or coercion (including by the use of unconstitutionally
19 excessive force).

20 134. Any individual whose exercise or enjoyment of rights secured by the
21 Constitution or laws of this state, has been interfered with, as described in
22 subdivision (a), may institute and prosecute in his name and on his own behalf a civil
23 action for damages, including but not limited to, damages under Section 52,
24 injunctive relief, and other appropriate equitable relief to protect the peaceable
25 exercise or enjoyment of the rights secured, including appropriate equitable and
26 declaratory relief to eliminate a pattern or practice of conduct as described in
27 subdivision (a).

28 135. The Bane Act, the California Constitution and California common law

1 prohibit the use of excessive force, wrongful detention and arrest, and denial of
2 medical care by law enforcement. California Civil Code, Section 52.1(b) authorizes a
3 private right of action and permits survival actions for such claims. Defendants ~~DOE~~
4 ~~OFFICERS~~STEELMON violated Oscar Vasquez Lopez's constitutional rights by
5 wrongfully detaining and arresting him, using excessive force against him, and
6 denying him medical care, all of which acts were done intentionally and with a
7 reckless disregard for Oscar Vasquez Lopez's constitutional rights.

8 136. Defendant ~~DOE OFFICERS'~~STEELMON's use of deadly force was
9 excessive and unreasonable under the circumstances. Further, ~~the involved~~
10 ~~officers~~STEELMON did not give a verbal warning or any commands prior to fatally
11 shooting Oscar Vasquez Lopez, despite being feasible to do so. The conduct of
12 Defendant ~~DOE OFFICERS~~STEELMON was a substantial factor in causing the
13 harm, losses, injuries, and damages of Oscar Vasquez Lopez and Plaintiffs.

14 137. Defendants ~~DOE OFFICERS~~STEELMON intentionally violated Oscar
15 Vasquez Lopez's constitutional rights by using excessive deadly force against Oscar
16 Vasquez Lopez, including but not limited to, shooting Oscar Vasquez Lopez without
17 warning. Further, these acts by ~~DOE OFFICERS~~STEELMON demonstrate that ~~they~~
18 ~~he~~ had a reckless disregard for Oscar Vasquez Lopez's constitutional rights.

19 138. At the time of the shooting Oscar Vasquez Lopez did not pose an
20 immediate threat of death or serious bodily injury and Oscar Vasquez Lopez never
21 verbally threatened anyone prior to the shooting. There is direct and circumstantial
22 evidence that ~~DOE OFFICERS~~STEELMON intentionally violated Oscar Vasquez
23 Lopez's rights by unlawfully detaining him, by attempting to unlawfully arrest him
24 and by fatally shooting him.

25 139. Defendant ~~DOE OFFICERS~~STEELMON, while working as a police
26 officers for the CITY Police Department, and acting within the course and cope of
27 ~~their~~his duties, interfered with or attempted to interfere with the rights of Oscar
28 Vasquez Lopez to be free from unreasonable searches and seizures, and to be free

1 from state actions that shock the conscience, by threatening or committing acts
2 involving violence, threats, coercion, or intimidation.

3 140. Oscar Vasquez Lopez was caused to suffer extreme mental and physical
4 pain and suffering and ultimately died and lost earning capacity. Plaintiffs have also
5 been deprived of the life-long love, companionship, comfort, support, society, care,
6 and sustenance of Oscar Vasquez Lopez, and will continue to be so deprived for the
7 remainder of their natural lives. Plaintiffs also claim funeral and burial expenses and
8 loss of financial support.

9 141. The conduct of ~~DOE OFFICERS STEELMON~~ was a substantial factor
10 in causing the harm, losses, injuries and damages of Oscar Vasquez Lopez and
11 Plaintiffs.

12 142. Defendant CITY is vicariously liable for the wrongful acts of ~~DOE~~
13 ~~OFFICERS STEELMON~~ pursuant to section 815.2(a) of the California Government
14 Code, which provides that a public entity is liable for the injuries caused by its
15 employees within the scope of the employment if the employee's act would subject
16 him or her to liability.

17 143. The conduct of ~~DOE OFFICERS STEELMON~~ was malicious, wanton,
18 oppressive, and accomplished with a conscious disregard for the rights of Oscar
19 Vasquez Lopez entitling Plaintiffs to an award of exemplary and punitive damages.

20 144. Plaintiffs bring this claim individually and as successors-in-interest to
21 Oscar Vasquez Lopez and seek compensatory and survival damages, including for
22 his pre-death pain and suffering, under this claim.

23 145. Plaintiffs also seek costs and attorney fees under this claim.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs NELSON VASQUEZ, DAYLIN VASQUEZ, LUSSY VASQUEZ, OSCAR VASQUEZ, K.V., A.V., and JOSE VASQUEZ LOPEZ requests entry of judgment in their favor and against Defendants CITY, SEAN STEELMON, and DOES 2-10, inclusive, as follows:

- A. For compensatory damages, including both survival and wrongful death damages under federal and state law, in the amount to be proven at trial;
- B. For other general damages in an amount according to proof at trial;
- C. For other non-economic damages in an amount according to proof at trial;
- D. For other special damages in an amount according to proof at trial;
- E. For punitive damages against the individual defendants in an amount to be proven at trial;
- F. Attorney's fees pursuant to 42 U.S.C. § 1988;
- G. Attorney's fees and costs pursuant to Cal. Civ. Code § 52.1(h)
- H. For interest;
- I. For reasonable costs of this suit; and
- J. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: April 7, 2025

LAW OFFICES OF DALE K. GALIPO

By: _____
DALE K. GALIPO
BENJAMIN S. LEVINE
Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

The Plaintiffs named herein hereby demand a trial by jury.

DATED: April 7, 2025

LAW OFFICES OF DALE K. GALIPO

By: _____

DALE K. GALIPO

BENJAMIN S. LEVINE

Attorneys for Plaintiffs